

Message Text

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ACTION SCS-05

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FOR SCS

EO 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

IN ANSWER TO THREE QUESTIONS RAISED IN REFTEL:

A. YES

B. IN PANAMA CITY THERE ARE ONLY TWO PUBLIC DEFENDERS, ONE
MALE, ONE FEMALE, WHO ARE SWAMPED WITH CASES

C. EACH CASE PASSES THROUGH TWO PHASES (1) AN INVESTIGATIVE
PHASE CONDUCTED BY THE PROSECUTING ATTORNEY'S OFFICE AND
(2) A TRIAL PHASE WHEN THE CASE IS BEFORE A COURT. AS THE
PROSECUTING ATTORNEY'S OFFICE DRAWS UP THE PRECISE STATEMENT
OF CHARGES TO BE DIRECTED AGAINST THE ACCUSED, TIMELY AND
PERSUASIVE ARGUMENTATION BY A DEFENSE ATTORNEY AT THIS STAGE
OFTEN RESULTS IN INITIAL CHARGES BEING REDUCED. FOR EXAMPLE,
A LARGE NUMBER OF CASES THAT BEGAN WITH A CHARGE OF TRAFFICKING
IN DRUGS WERE FINALLY PRESENTED TO THE COURT WITH THE CHARGE
REDUCED TO POSSESSION OF DRUGS. THE FORMER CARRIES A SENTENCE
IF CONVICTED OF FIVE YEARS; THE LATTER, EIGHT MONTHS. ONLY
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WHEN THE CASE IS CALLED TO TRIAL DOES THE JUDGE ASCERTAIN
WHETHER THE ACCUSED HAS FUNDS FOR AN ATTORNEY, AND IF NOT,
IS A PUBLIC DEFENDER NAMED. AT THIS POINT THERE IS LITTLE OR
NO ROOM FOR MANEUVERING. MOREOVER, AS THERE ARE ONLY TWO PUBLIC
DEFENDERS IN PANAMA CITY, EACH OF WHOM ALSO MAINTAINS A
PRIVATE PRACTICE, THERE CAN BE LITTLE PERSONAL ATTENTION GIVEN
TO CASES THAT COME VIA THE PUBLIC DEFENDERS ROUTE. THE ABOVE

STRONGLY SUGGESTS THAT AN ARRESTEE OBTAIN PRIVATE COUNSEL
IF AT ALL POSSIBLE.

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